DOCKET NO.: 205409US2PCT/alc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Jan ARWALD, et al.

GROUP: 2616

SERIAL NO: 09/806,484

EXAMINER: GREY, CHRISTOPHER P.

RCE FILED: FEBRUARY 9, 2006

FOR: METHOD, SYSTEM AND DEVICE FOR ESTABLISHING COMMUNICATION BETWEEN DIFFERENT COMMUNICATION NETWORKS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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FOR: METHOD, SYSTEM AND DEVICE FOR ESTABLISHING COMMUNICATION BETWEEN DIFFERENT COMMUNICATION NETWORKS	:

REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that a Pre-Appeal Brief Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

In the April 18, 2006 Office Action, Claims 1-40 were rejected under 35 U.S.C. §103(a) as unpatentable over Sawyer, et al. (U.S. Patent No. 6,058,115; herein "Sawyer") in view of St-Pierre et al. (U.S. Patent No. 5,901,352; herein "St-Pierre").

Applicants respectfully traverse the rejection under 35 U.S.C. §103(a) formed by the April 18, 2006 Office Action, and request reconsideration of this rejection, as discussed next.

Briefly recapitulating, Applicants' independent Claim 1 relates to a communication device including, *inter alia*, a central controller configured to establish a communication session between a first object and a second object. The device further includes, *inter alia*: a protocol coordination mechanism that identifies protocols that are ***within a vocabulary*** of the first object and the second object by ***analyzing*** which types of communication are allowed in the first object and the second object and ***how traffic of the communication session is to be routed through the***

first object and the second object, and selects a protocol that minimizes a translation burden to a router based on a result of the analyzing. The remaining independent claims recite similar features in the context of a communication system (Claim 7), a method for communicating between objects (Claim 13), and a system for communicating between objects (Claim 27).

As explained in Applicants' specification at page 4, lines 1-12, Claim 1 improves upon background communication devices, since it provides a central facility that helps in a fast and efficient manner different communication protocols that may be common between the two different networks so that those networks may operate in a direct communication mode.

Applicants respectfully submit that ***all the applied references*** used by the final Office Action to form the 35 U.S.C. §103(a) rejection, Sawyer and St-Pierre, fail to teach or suggest the features of Claim 1 regarding a protocol coordination mechanism, as next discussed.

The applied reference Sawyer does not teach or suggest that the protocol coordination mechanism identifies protocols that are ***within a vocabulary*** of said first object and said second object ***by analyzing*** which types of communication are allowed in the first object and the second object and ***how traffic of the communication session is to be routed through the first object and the second object,*** and selects a protocol that minimizes a translation burden to a router ***based on a result of the analyzing***, as recited in independent Claim 1.

In Sawyer's system, no protocol is selected that is within a vocabulary of the first and second objects, since Sawyer teaches that decision task 128 either selects the originating protocol or the terminating protocol.[1] Consequently, and as shown in Sawyer's Figure 4, either the originating gateway or the terminating gateway will translate the protocols, so as to form node-to-node links 154, 156.[2]

The April 18, 2006 Office Action states that the feature of Applicants' Claim 1, to recite "identifying protocols within a vocabulary ... by analyzing how traffic of the communication session is to be routed through the first object and the second object ... based on the result of

[1] See Sawyer at column 8, lines 6-17 and in step 128 in Figure 4.
[2] See Sawyer at column 7, lines 11-25, column 8, lines 6-17, and in corresponding Figure 4.

analyzing" is anticipated by the features of column 7, lines 10-35.[3] Applicants respectfully disagree with this assertion since Sawyer describes at column 7, lines 11-15, that a task 114 compares an operating protocol list to a terminating protocol list to determine a common protocol. Sawyer further explains that when a decision task 116 decides that a common protocol is found, a task 118 assigns both an originating protocol and a terminating protocol to the common protocol.[4] Accordingly, assigning a common protocol to operate as an originating protocol and a terminating protocol from a list of available protocols, as taught by Sawyer, ***is not*** identifying protocols that are ***within a vocabulary*** of said first object and said second object ***by analyzing how traffic of the communication session is to be routed through the first object and the second object***, and selects a protocol that minimizes a translation burden to a router ***based on a result of the analyzing.*** In addition, Sawyer does not analyze how traffic of the communication session is to be routed through the first object and the second object, but merely chooses available protocols form a list of protocols, once a connection between a originating gateway 44 and a terminating gateway 48 is set up.[5]

The reference St-Pierre, used by the April 18, 2006 Office Action as a secondary reference to form the 35 U.S.C. §103(a) rejection, does not remedy the deficiencies of Sawyer. As a fact, St-Pierre is entirely silent on protocol translations.

Accordingly, even if the combination of Sawyer and St-Pierre and were *in arguendo* assumed proper, Sawyer and St-Pierre, and whether taken alone or in combination, do not teach or suggest the above feature of amended Claim 1. Accordingly, Applicants respectfully traverse the 35 U.S.C. 103(a) rejection, and request reconsideration of the rejection.

In addition, the applied references are also silent on the features of dependent Claims 37-40. These claims recite features regarding the protocol coordination mechanism identifying protocols that are within a vocabulary of the first object and the second object by analyzing which

[3] See the April 18, 2006 Office Action at page 7, lines 4-14.
[4] See Sawyer in Figure 4.
[5] See Sawyer in Figure 1, and at column 6, lines 38-63.

types of communication are allowed, wherein the types of communication include an asynchronous communication, synchronous communication, and predetermined gradations of data rate. As explained above, Sawyer merely chooses a common protocol for both the terminating gateway and the originating gateway.[6] Nowhere does Sawyer teach or suggest analyzing what types of communication is allowed, such as asynchronous communication, synchronous communication, and predetermined gradations of data rate. The April 18, 2006 Office Action points out to column 3, lines 35-57 and column 4, lines 21-28,[7] and asserts that these passages teach the above features. However, these passages merely explain that Sawyer's network 22 may include ground-based gateways 44, 48, satellites 46, 50, 52 and local PSTN units 34, 38 and describes other network architecture features. This description of the network's architecture fails to teach or suggest analyzing what types of communication is allowed, such as asynchronous communication, synchronous communication, and ***predetermined gradations of data rate***, as recited in new dependent Claims 37-40.

Since the remaining reference St-Pierre also fails do remedy the deficiencies of Sawyer, Applicants also believe that dependent Claims 37-40 are patentably distinct over these applied references, taken individually or in combination. It is therefore respectfully requested that the rejection of Claims 37-40 be withdrawn.

[6] See Sawyer at column 7, lines 30-36.
[7] See the outstanding Office Action at page 6, lines 9-11.

Based on the above-noted deficiencies in the outstanding rejections, Applicants respectfully request that this rejection be withdrawn or properly supported.

Respectfully submitted,

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